

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 02-37
)	
IMATA & ASSOCIATES, INC. and)	
Gordon Imata,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around October 2002, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, Imata & Associates, Inc. and Gordon Imata ("Imata"). Business Registration Division records list Imata as doing business in civil engineering and land surveying, whose business address is 171 Kapiolani Street, Hilo, Hawaii. Imata list officers as:

Gordon Y. Imata	President
Davit T. Imata	Vice President
Clyde K. Matsunaga	Secretary
Ray K. Nakamura	Treasurer

The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Imata and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.

- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 1. On or around October 2002, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Friends of Ben Cayetano campaign committee ("Cayetano") initiated an investigation involving excess contributions in violation of section 11-204, HRS.
 2. Section 11-204(a)(1)(B), HRS reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000 during an election period.

3. Section 11-204(h), HRS reads in part as follows: an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
4. The election period for the Cayetano campaign for Governor include the period from January 1995 to November 6, 2000.
5. During this period Imata and family members made contributions to Cayetano in the amount of \$8,700, of which, \$6,700 is attributed to Imata.
6. On or about February 9, 1996, David Imata made a contribution to Cayetano in the amount of \$500.
7. On or about May 23, 1997, David Imata made a contribution to Cayetano in the amount of \$1,000.
8. On or about June 25, 1997, Imata made a contribution to Cayetano in the amount of \$1,000.
9. On or about December 31, 1997, Imata made a contribution to Cayetano in the amount of \$2,000.
10. On or about December 31, 1997, Imata made a contribution to Cayetano in the amount of \$1,000.
11. On or about July 15, 1998, Imata made a contribution to Cayetano in the amount of \$200.
12. On or about July 20, 1998, Imata made a contribution to Cayetano in the amount of \$500.

13. On or about October 30, 1998, Imata made a contribution to Cayetano in the amount of \$500.
14. Imata acknowledges that an excess contribution of \$700 had been made to the Cayetano campaign committee, in violation of section 11-204(a)(1)(B), HRS.
15. That Imata failed to file an organizational report pursuant to section 11-194, HRS.
16. That Imata failed to file disclosure reports pursuant to sections 11-212 and 11-213, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #02-37, Imata understands and agrees to the following:

- (A) Imata agrees to an assessment of **Five Hundred Dollars (\$500)** pursuant to section 11-228, HRS.
 - (1) For violation of section 11-204(a)(1)(B), HRS, making an excess campaign contribution to the Cayetano campaign committee for the election period; and
 - (2) For violation of sections 11-194, 11-212 and 11-213, HRS, failure to file an organizational report and required disclosure reports.
- (B) Imata agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.

(C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission and Imata on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.

XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada,
Executive Director

By: _____

Date: _____

FOR THE RESPONDENTS:

Gordon Y. Imata

BY: _____
(Name)
(Title)

Date: _____